

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

BRETT NICHOLS,
Plaintiff,

v.

CIVIL ACTION NO.
14-12797-MBB

UMASS CORRECTIONAL HEALTH CARE, et al.,
Defendants.

PROCEDURAL ORDER

October 8, 2014

BOWLER, U.S.M.J.

Plaintiff Brett Nichols (mistakenly entered on docket as Brett Nicholas), originally filed a joint complaint that was part of a multi-plaintiff civil rights action. See Stote, et al. v. UMASS Correctional Health Care, et al., C.A. No. 13-10267-NMG (the "2013 action"). The 2013 action was initiated by MCI Norfolk inmate John E. Stote concerning alleged inadequate medical care at MCI Norfolk.

On June 25, 2014, the judge assigned to the 2013 action severed the individual prisoner claims into separate cases. See No. 13-10267-NMG, 06/25/2014 Memorandum and Order (the "June Order"), Docket #20. The June Order directed each plaintiff who wished to prosecute his own claims to pay the \$400 filing fee or file an Application to Proceed in District Court Without Prepaying Fees or Costs within sixty days and that failure to pay the fee or seek leave to proceed without prepayment of the fee may result in dismissal of the individual action without prejudice. Id.

Pursuant to the directives of the June Order, the Clerk

opened a new case for Nichols. See Docket, 14-12797-MBB. The Order was mailed to Nichols on June 30, 2014. Id.

Nichols has not responded to the Court's order and a search of the on-line Victim Information & Notification Everyday (VineLink) homepage reveals that he is now in custody at the Massachusetts Treatment Center. See VineLink Offender Locator, <http://www.vinelink.com> (last visited Oct. 5, 2014).

ACCORDINGLY, if Brett Nichols wishes to proceed with this action, he must, within forty-two (42) days of the date of this Procedural Order either pay the \$400 filing fee or seek leave to proceed without prepayment of the filing fee by filing an Application to Proceed in District Court Without Prepaying Fees or Costs and a certified six-month prison account statement. Failure to pay the fee or seek leave to proceed without prepayment of the fee will result in the dismissal of this action without prejudice. Nichols may also file an amended complaint, which would supercede the original complaint.

The Clerk shall send to Brett Nichols with a copy of this Procedural Order: (1) a copy of the 06/25/2014 Memorandum and Order; (2) an Application to Proceed in District Court Without Prepaying Fees or Costs; (3) the portion of the complaint [pages 135-136] containing Nichols' statement of his individual claim; and (4) the portions of the complaint [pages 1-20 and 173-185] common to all plaintiffs.

SO ORDERED.

/s/ Marrianne B. Bowler USMJ
MARIANNE B. BOWLER
United States Magistrate Judge